

Office Action Summary



Application No. 10/634,620	Applicant(s) STANKO, JOHN JAMES
Examiner Gary L. Welch	Art Unit 3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The disclosure is objected to because of the following informalities:

Page 3, lines 18-22: Claim 1 is repeated at the bottom of the specification. It is noted that claim 1 is provided on a separate sheet along with claims 2-6. It is requested that claim 1 at the bottom of page 3 be deleted since claims are required to start on a separate sheet of paper.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

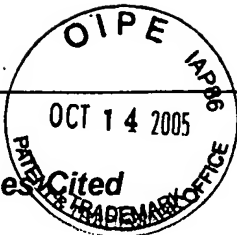
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Gasser (U.S. 4,972,524).

Gasser discloses a pocket protector consisting of an outer pocket fabric 4 and an inner pocket fabric 1 secured along their edges (5, 6) to form a pocket. A reinforcing material 7 is affixed to and runs down the outer fabric of the pocket and is affixed to and runs up the inner fabric of the pocket. The reinforcing material 7 is sandwiched between fabric layers (1 and 4) and therefore contacts both layers so as to prevent the loss of a wallet through the actions of a pickpocket who tries to cut the pocket with a knife.



Notice of References Cited

Application/Control No.

10/634,620

Applicant(s)/Patent Under
Reexamination
STANKO, JOHN JAMES

Examiner

Gary L. Welch

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U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,374,421	04-2002	Cleary, Scott E.	2/254
	B	US-4,891,865	01-1990	Biloff, Elmer E.	24/3.5
	C	US-4,972,524	11-1990	Gasser, Karl	2/250
	D	US-4,083,321	04-1978	LeBron et al.	116/84
	E	US-4,885,570	12-1989	Chien, Darin	340/571
	F	US-3,723,994	04-1973	Tucker, Cathern A.	2/248
	G	US-4,083,321	04-1978	LeBron et al.	116/84
	H	US-4,388,734	06-1983	Cowden, Reuel W.	2/250
	I	US-5,156,891	10-1992	Isoe et al.	427/289
	J	US-5,124,190	06-1992	Isoe et al.	428/173
	K	US-6,760,926	07-2004	Miller, Raymond J.	2/250
	L	US-D465,640	11-2002	Vazquez, Maximino	D2/857
	M	US-D433,807	11-2000	Vazquez, Maximino	D3/303

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Notice of References Cited	Application/Control No. 10/634,620	Applicant(s)/Patent Under Reexamination STANKO, JOHN JAMES	
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U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-D395,155	06-1998	Barker, Lydia M.	D2/857
	B	US-D263,766	04-1982	Heinfling, Martin	D2/857
	C	US-D260,321	08-1981	Heinfling, Martin	D2/857
	D	US-D260,320	08-1981	Heinfling, Martin	D2/857
	E	US-D258,172	02-1981	Heinfling, Martin	D2/857
	F	US-D243,291	02-1977	Mechaly et al.	D2/857
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gasser (U.S. 4,972,524).

Gasser discloses the invention substantially as claimed above.

However, Gasser does not disclose that the reinforcing material is stainless steel wire.

A review of applicant's disclosure does not reveal the criticality for using stainless steel wire (i.e., why stainless steel is superior over any other material).

It would have been obvious through routine experimentation to replace the metal wire of Gasser with a stainless steel wire in order to provide a predetermined level of protection against a certain cutting implement.

With regard to claims 3 and 4, the reinforcing material is affixed to the pocket with rivets and hooks (15, 16). It is well known in the art that various types of fastening mechanisms are functionally equivalent. Hook and loop, iron on patches, button and buttonhole, hooks and rivets, snaps, stitching and adhesive are a few examples. These fasteners may be used interchangeably depending upon the desired aesthetic effect. Further, the specification does not give an indication of why embroidery stitching or iron on patches would be desirable over another fastener type.

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With regard to claims 5 and 6, the flexible material consists of multiple strands.


Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Behnke '614, Tucker '994, LeBron et al. '321, Cowden '734, Isoe et al. '891 and '190 and Miller '926 disclose various pocket protection devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary L. Welch
Primary Examiner
Art Unit 3765

glw